

### **IC 20-14-5.1**

#### **Chapter 5.1. Expansion of Class 1 Public Library Into More Than One Township of a County**

### **IC 20-14-5.1-1**

#### **Application of chapter**

Sec. 1. This chapter applies to Class 1 public libraries that seek to expand into more than one (1) township of a county by an alternative method to the method under IC 20-14-5.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.8.*

### **IC 20-14-5.1-2**

#### **Proposal of expansion; requisites; filing**

Sec. 2. (a) The library board of a public library may file a proposed expansion with the legislative body of the county. The proposal must state that the public library seeks to combine with more than one (1) township or parts of more than one (1) township not being taxed for public library service to form a single library district.

(b) Except as provided in section 3 of this chapter, when the legislative body of a county receives a proposal of expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.9.*

### **IC 20-14-5.1-3**

#### **Proposal of expansion; intent to file petition for acceptance; notice; signing or filing of petition or remonstrance**

Sec. 3. (a) When a library board presents the legislative body of a county with a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion, not later than ten (10) days after the intent is filed, the county auditor shall publish notice in the manner provided in IC 5-3-1 of the proposal of expansion in a newspaper of general circulation in the county. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, a person who is a registered voter of the township or part of the township may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion.

(2) A remonstrance petition in opposition to the proposal of expansion.

(b) Registered voters shall file a petition or remonstrance, if any, with the clerk of the circuit court in the county where the townships are located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the townships or parts of townships, as determined by the most recent general election.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.10.*

#### **IC 20-14-5.1-4**

##### **Petition or remonstrance; requisites; duties of clerk of circuit court**

Sec. 4. (a) The following apply to a petition or remonstrance that is filed under section 3 of this chapter:

- (1) The petition or remonstrance must show the following:
  - (A) The date on which each person signed the petition or remonstrance.
  - (B) The residence of each person on the date the person signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:
  - (A) was affixed in the person's presence; and
  - (B) is the true signature of the person who signed the petition or remonstrance.
- (3) Several copies of the petition or remonstrance may be executed. The total of the copies constitutes a petition or remonstrance. A copy must include an affidavit described in subdivision (2). Any signer may file a petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.
- (4) The clerk of the circuit court of the county containing the townships or parts of townships shall do the following:
  - (A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).
  - (B) Strike the name from a petition or remonstrance of a person who personally, in the clerk's office, makes a written and signed request for the clerk to strike the person's name.
  - (C) Certify the number of signatures on the petition and remonstrance, if any, that:
    - (i) are not duplicates; and
    - (ii) represent persons who are registered voters in the townships or parts of townships on the day the persons signed the petition or remonstrance.

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(b) The clerk of the circuit court shall complete the certification that subsection (a) requires not more than fifteen (15) days after the petition or remonstrance is filed.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.11.*

#### **IC 20-14-5.1-5**

##### **Certification of signatures; time; record of clerk's certification**

Sec. 5. The clerk of the circuit court shall complete the certification required by section 4 of this chapter not more than fifteen (15) days after the petition or remonstrance is filed. The clerk

shall establish a record of the clerk's certification in the clerk's office and shall file the original petition, the original remonstrance, if any, and a copy of the certification with the legislative body.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.12.*

#### **IC 20-14-5.1-6 Repealed**

*(Repealed by P.L.21-1998, SEC.22.)*

#### **IC 20-14-5.1-7**

##### **Remonstrance; requisites**

Sec. 7. A registered voter may file with the clerk of the circuit court a remonstrance that:

- (1) is signed by registered voters in townships or parts of townships not already taxed for library purposes; and
- (2) states that registered voters who have signed the remonstrance are opposed to the establishment of the expanded library district.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.13.*

#### **IC 20-14-5.1-8**

##### **Procedure for acceptance or rejection of petition**

Sec. 8. (a) Not more than forty (40) days after the certification of a petition and remonstrance under section 5 of this chapter, the county legislative body shall compare the petition and any remonstrance.

(b) When:

- (1) a remonstrance has not been filed; or
- (2) a greater number of voters have signed the petition than have signed the remonstrance;

the county legislative body shall agree to the expansion by written resolution. The expansion is effective on the date the written resolution is filed.

(c) When an equal or a greater number of registered voters have signed a remonstrance against the establishment of an expanded library district than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.14.*

#### **IC 20-14-5.1-9**

##### **Filing copy of resolution establishing expanded district**

Sec. 9. Not more than ten (10) days after a written resolution establishing an expanded library district is adopted, the legislative body shall send a copy of the resolution:

- (1) to be filed in the office of the county recorder in each

county where the library district is located; and  
(2) to be filed with the Indiana state library.  
*As added by P.L.25-1992, SEC.22.*

**IC 20-14-5.1-10**

**Library board; members; appointments from townships;  
expiration of prior term**

Sec. 10. (a) When not more than two (2) townships or parts of not more than two (2) townships are added to a library taxing district, at least one (1) of the initial appointments made to the library board by the county commissioners or the county council must be from one (1) of those townships.

(b) When more than two (2) townships or parts of more than two (2) townships are added to a library district, at least two (2) of the initial appointments made to the library board by the county commissioners or the county council must be from those townships.

(c) An appointment under this section may not be made before the expiration of a term in effect at the time the expansion is final.

*As added by P.L.25-1992, SEC.22. Amended by P.L.21-1998, SEC.15.*